S.B. Criminal Misc. Bail Application No.5764/2006
Date : 04.01.2007

HON'BLE MR.SATYA PRAKASH PATHAK, J.

Mr. S.R. Sharma)
Mr. A.K. Dadhich) for the applicant.
Mr. V.R. Mehta, Public Prosecutor.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that one of the co-accused has already been granted bail by this Court in S.B. Criminal Misc. Bail Application No.5441/2006, therefore, the applicant's case may also be considered for bail. It has further been submitted that there is no evidence available on record to connect the accused applicant with the crime except the statement of the co-accused which was given to one Ram Niwas. It has also been submitted that no dead body of the deceased has been recovered.

On the other hand, learned Public Prosecutor has not disputed the factual aspect of the matter that except the statement of the co-accused which was given to one of the witnesses, there is no evidence available on record. He further submits that it is a case where a person has died and his dead body could not be recovered in this case.

I have considered the submissions made before me.

Without expressing any opinion on the merit of the case while taking into consideration the overall facts and circumstances of the present case, I deem it just and proper to enlarge the accused applicant on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that applicant Sanjay Pandey s/o Malchand shall be released on bail in FIR No.81/2006 P.S. Molasar, provided he executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of

learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK), J.

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